

ASSEMBLY BILL

No. 316

Introduced by Assembly Member Carter

February 9, 2011

An act to amend Sections 2805 and 2810 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 316, as introduced, Carter. Vehicles: theft inspection.

(1) Existing law authorizes, for the purpose of locating stolen vehicles, any member of the California Highway Patrol, or a member of a city police department, a county sheriff's office, or a district attorney investigator whose primary responsibility is to conduct vehicle theft investigations, to inspect any vehicle of a type required to be registered under the Vehicle Code, or any identifiable vehicle component thereof, and implements of husbandry, special construction equipment, forklifts, and special mobile equipment on a highway or in any public garage, or at any agricultural or construction work location where work is being actively performed, and other specified locations, as specified.

This bill would additionally authorize the above-designated law enforcement officers to conduct agricultural or construction vehicle theft investigations.

(2) Existing law authorizes the Department of the California Highway Patrol to stop a vehicle transporting timber products, livestock, poultry, farm produce, crude oil, petroleum products, or inedible kitchen grease and inspect certain documents to determine whether the driver is in legal possession of the load, and, upon reasonable belief that the driver of the vehicle is not in legal possession, to take custody of the vehicle

and load, as prescribed, and imposes duties on the sheriff with respect to the care and safekeeping of those products.

This bill would make those provisions applicable with regard to a vehicle that is transporting metal products or metal alloy products. By imposing additional duties on a sheriff regarding the care and safekeeping of metal products and metal alloy products, this bill would impose a state-mandated local program.

The bill additionally would authorize a member of a city police department and a member of a county sheriff's office, whose primary responsibility is to conduct theft investigations, to stop and inspect vehicles transporting any of those loads.

(3)The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2805 of the Vehicle Code is amended to
2 read:
3 2805. (a) (1) For the purpose of locating stolen vehicles, ~~(1)~~
4 (A) any member of the *Department of the California Highway*
5 *Patrol*, or ~~(2)~~ (B) a member of a city police department, a member
6 of a county sheriff's office, or a district attorney investigator, whose
7 primary responsibility is to conduct vehicle theft investigations *or*
8 *conduct agricultural or construction vehicle theft investigations*,
9 may inspect ~~any~~ a vehicle of a type required to be registered under
10 this code, or any identifiable vehicle component thereof, on a
11 highway or in ~~any~~ a public garage, repair shop, terminal, parking
12 lot, new or used car lot, automobile dismantler's lot, vehicle
13 shredding facility, vehicle leasing or rental lot, vehicle equipment
14 rental yard, vehicle salvage pool, or other similar establishment,
15 or ~~any~~ at an agricultural or construction work location where work
16 is being actively performed, and may inspect the title or registration

1 of vehicles, in order to establish the rightful ownership or
2 possession of the vehicle or identifiable vehicle component.

3 ~~As~~

4 (2) *As* used in this subdivision, “identifiable vehicle component”
5 means ~~any~~ a component ~~which~~ that can be distinguished from
6 other similar components by a serial number or other unique
7 distinguishing number, sign, or symbol.

8 (b) A member of the *Department of the California Highway*
9 *Patrol, or a member of a city police department or county sheriff’s*
10 *office, or a district attorney investigator whose primary*
11 *responsibility is to conduct vehicle theft investigations; or conduct*
12 *agricultural or construction vehicle theft investigations*, may also
13 inspect, for the purposes specified in subdivision (a), implements
14 of husbandry, special construction equipment, forklifts, and special
15 mobile equipment in the places described in subdivision (a) or
16 when that vehicle is incidentally operated or transported upon a
17 highway.

18 (c) Whenever possible, inspections conducted pursuant to
19 subdivision (a) or (b) shall be conducted at a time and in a manner
20 so as to minimize any interference with, or delay of, business
21 operations.

22 SEC. 2. Section 2810 of the Vehicle Code is amended to read:

23 2810. (a) A member of the *Department of the California*
24 *Highway Patrol, or a member of a city police department or a*
25 *county sheriff’s office whose primary responsibility is to conduct*
26 *theft investigations*, may stop any vehicle transporting any timber
27 products, livestock, poultry, farm produce, crude oil, petroleum
28 products, *metal products, metal alloy products*, or inedible kitchen
29 grease, and inspect the bills of lading, shipping or delivery papers,
30 or other evidence to determine whether the driver is in legal
31 possession of the load, and, upon reasonable belief that the driver
32 of the vehicle is not in legal possession, shall take custody of the
33 vehicle and load and turn them over to the custody of the sheriff
34 of the county in which the timber products, livestock, poultry, farm
35 produce, crude oil, petroleum products, *metal products, metal alloy*
36 *products*, or inedible kitchen grease, or any part thereof, is
37 apprehended.

38 (b) The sheriff shall receive and provide for the care and
39 safekeeping of the apprehended timber products, livestock, poultry,
40 farm produce, crude oil, petroleum products, *metal products, metal*

1 *alloy products*, or inedible kitchen grease, or any part thereof, and
2 immediately, in cooperation with the department, proceed with an
3 investigation and its legal disposition.

4 (c) Any expense incurred by the sheriff in the performance of
5 his or her duties under this section shall be a legal charge against
6 the county.

7 SEC. 3. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.